

## AMENDMENTS TO THE CLAIMS

This listing of claims is intended to replace all prior versions, and listings, of claims in the application:

### Listing of claims:

1. (Currently Amended) A controlling device having a plurality of device mode states each of which is selectable to configure the controlling device to command operating functions of one or more of a plurality of different appliances defined for that device mode state, the controlling device comprising:

programming responsive to receipt of a first input for directly selecting ~~allowing~~ one of the plurality of device mode states ~~to be selected~~ to thereby configure the controlling device; and

programming responsive to receipt of a second input for selecting, as a function of at least one of a one of the plurality of device mode states the controlling device is in at a time the second input is received and a one of the plurality of device mode states the controlling device was placed into a last time the second input was received, ~~allowing~~ one of a subset of the plurality of device mode states ~~to be selected~~ to thereby configure the controlling device.

2. (Currently Amended) The controlling device as recited in claim 1, wherein the second input comprises programming for allowing one of a subset of the plurality of device mode states to be selected ~~is responsive to~~ actuation of a device mode state toggle key of the controlling device.

3. (Original) The controlling device as recited in claim 1, wherein the subset of the plurality of device mode states is maintained in a table stored in a memory of the controlling device.

4. (Original) The controlling device as recited in claim 1, wherein the subset of the plurality of

device mode states comprises one or more device mode states selected from the plurality of device mode states by a user.

5. (Currently Amended) The controlling device as recited in claim 4, wherein the subset of the plurality of device mode states is selected by a user interacting with the programming responsive to receipt of a second input ~~for allowing one of the plurality of device mode states to be selected.~~

6. (Currently Amended) The controlling device as recited in claim 1, wherein the first input comprises programming for allowing one of the plurality of device mode states to be selected is ~~responsive to~~ actuation of one of a plurality of device mode keys of the controlling device each of which corresponds to one of the plurality of device mode states.

7. (Currently Amended) The controlling device as recited in claim 1, wherein the first input comprises programming for allowing one of the plurality of device mode states to be selected is ~~responsive to~~ a selection of a device mode state from a menu of the controlling device having entries corresponding to each of the plurality of device mode states.

8. (Currently Amended) The controlling device as recited in claim 1, wherein the programming responsive to receipt of a second input additionally for allowing one of a subset of the plurality of device mode states to be selected causes each of the device mode states within the subset of the plurality of device mode states to be selected in a predefined order.

9. (Original) The controlling device as recited in claim 8, wherein the predefined order is user selectable.

10. (Original) The controlling device as recited in claim 1, wherein the plurality of device mode states comprises only those device mode states of the controlling device that have been setup to cause the controlling device to be configured to command the operation of one or more appliances.

11. (Original) The controlling device as recited in claim 1, wherein each of the plurality of device mode states has an indicia that is presented when that device mode state is selected.

12. (Original) The controlling device as recited in claim 11, wherein the indicia comprises a color.

13. (Original) The controlling device as recited in claim 11, wherein the indicia comprises an illuminated LED.

14. (Original) The controlling device as recited in claim 11, wherein the indicia comprises a graphical representation.

15. (Original) The controlling device as recited in claim 11, wherein the indicia comprises a sound.

16. (Original) The controlling device as recited in claim 11, wherein the indicia comprises a vibration.

17. (Currently Amended) The controlling device as recited in claim 11, wherein the first input comprises programming for allowing one of the plurality of device mode states to be selected is responsive to actuation of one of a plurality of device mode keys of the controlling device each of which corresponds to one of the plurality of device mode states and wherein the indicia is associated with the plurality of device mode keys.

18. (Original) The controlling device as recited in claim 17, wherein the indicia comprises a means for presenting a device mode key with an appearance that is distinguishable from the remaining plurality of device mode keys.

19. (Original) The controlling device as recited in claim 18, wherein the indicia comprises a device mode key being illuminated.

20. (Currently Amended) The controlling device as recited in claim 2, wherein the device mode state toggle key is spaced from a the top of the controlling device.

21. (Currently Amended) The controlling device as recited in claim 20, wherein the device mode state toggle key is located in a position adjacent to volume function command keys and channel function command keys of the controlling device.

22. (Currently Amended) The controlling device as recited in claim 20, wherein the device mode state toggle key is located in a position adjacent to menu navigation command keys of the controlling device.

23. (Original) The controlling device as recited in claim 2, wherein actuation of the device mode state toggle key causes the controlling device to be placed into one of two alternating device mode states.

24. (Original) The controlling device as recited in claim 23, wherein the alternating device mode states comprise a current device mode state and a device mode state exited to enter the current device mode state.

25. (Currently Amended) A machine readable media having embedded processor executable instructions for use in a controlling device having a plurality of device mode states each of which may be selected to configure the controlling device to transmit command codes to one or more of a plurality of different appliances, the readable media having instructions for performing steps comprising:

accepting first input that functions to directly select one of the plurality of device mode states to thereby configure the controlling device; and

accepting second input that functions to select, as a function of at least one of a one of the plurality of device mode states the controlling device is in at a time the second input is accepted and a one of the plurality of device mode states the controlling device was placed into a last time the second input was accepted, one of a subset of the plurality of device mode states to thereby configure the controlling device.

26. (Currently Amended) The readable media as recited in claim 25, wherein the second input comprises ~~for selecting one of the subset of the plurality of device mode states to be selected is entered via~~ actuation of a device mode state toggle key of the controlling device.

27. (Original) The readable media as recited in claim 25, wherein the instructions store the subset of the plurality of device mode states in a table stored in a memory of the controlling device.

28. (Original) The readable media as recited in claim 25, wherein the instructions accept input whereby a user selects which of the plurality of device mode states to include within the subset of the plurality of device mode states.

29. (Canceled)

30. (Currently Amended) The readable media as recited in claim 25, wherein the first input comprises ~~for selecting one of the plurality of device mode states to be selected is entered via~~ actuation of a corresponding one of a plurality of device mode keys of the controlling device each of which corresponds to one of the plurality of device mode states.

31. (Currently Amended) The readable media as recited in claim 25, wherein the first input comprises selections from ~~for selecting one of the plurality of device modes states is entered via~~ a graphical user interface menu of the controlling device ~~selection~~ having entries corresponding to each of the plurality of device mode states.

32. (Currently Amended) The readable media as recited in claim 25, wherein the instructions additionally cause one of the subset of the plurality of device mode states to be selected in a predefined order.

33. (Original) The readable media as recited in claim 32, wherein the predefined order is user selectable.

34. (Original) The readable media as recited in claim 25, wherein the plurality of device mode states comprises only those device mode states of the controlling device that have been setup to cause the controlling device to be configured to command the operation of one or more appliances.

35. (Original) The readable media as recited in claim 25, wherein the instructions present an indicia representative of a device mode state when that device mode state is selected.

36. (Original) The readable media as recited in claim 35, wherein the indicia comprises a color.

37. (Original) The readable media as recited in claim 35, wherein the indicia comprises an illuminated LED.

38. (Original) The readable media as recited in claim 35, wherein the indicia comprises a graphical representation.

39. (Original) The readable media as recited in claim 35, wherein the indicia comprises a sound.

40. (Original) The readable media as recited in claim 35, wherein the indicia comprises a vibration.

41. (Currently Amended) The readable media as recited in claim 35, wherein the first input comprises ~~for selecting one of the plurality of device mode states to be selected~~ is actuation of one of a plurality of device mode keys of the controlling device each of which corresponds to one of the plurality of device mode states and wherein the indicia is associated with the plurality of device mode keys.

42. (Original) The readable media as recited in claim 41, wherein the indicia comprises a means for presenting a device mode key with an appearance that is distinguishable from the remaining plurality of device mode keys.

43. (Original) The readable media as recited in claim 42, wherein the indicia comprises a device mode key being illuminated.

44. (Original) The readable media as recited in claim 26, wherein actuation of the device mode state toggle key causes the instructions to place the controlling device into one of two alternating device mode states.

45. (Original) The readable media as recited in claim 44, wherein the alternating device mode states comprise a current device mode state and a device mode state exited to enter a current device mode state.

46. (Currently Amended) For use in a controlling device having a plurality of device mode states each of which may be selected to configure the controlling device to transmit command codes to one or more of a plurality of different appliances, a method comprising:



receiving input for causing the controlling device to change from a first device mode state selected from the plurality of device mode states to a second device mode state selected from the plurality of device mode states; and

in response to the input being received placing the controlling device into the second device mode state; and storing data indicative of the first device mode state in the controlling device whereby the stored data is used by the controlling device in connection with ~~to thereby~~ allow an actuation of a device mode state toggle key of the controlling device ~~to be used~~ to return the controlling device to the first device mode state.

47. (Currently Amended) The method as recited in claim 46, wherein the input comprises actuation of the device mode state toggle key.

48. (Currently Amended) The method as recited in claim 46, wherein the input comprises actuation of one of a plurality of device mode keys of the controlling device each representing one of the plurality of device mode states.

49. (Original) The method as recited in claim 48, comprising illuminating the device mode key representing the second device mode state.

50. (Currently Amended) For use in a controlling device having a plurality of device mode states each of which may be selected to configure the controlling device to transmit command codes to one or more of a plurality of different appliances, a method comprising:

receiving input for selecting a subset of the plurality of device mode states to create a circular list of device mode states which is stored in a memory of the controlling device such that

input received from a single device mode state toggle key will cause the controlling device to change from a current device mode state selected from the subset of the plurality of device mode states into another device mode state selected from the subset of the plurality of device mode states where the another device mode state follows the current device mode state within the circular list of device mode states stored in the memory and wherein, in response to the change, the another device mode state becomes the current device mode state.